

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-75, and 79-88 are pending in this application.

35 U.S.C. § 102

Claims 83-85 stand rejected under 35 U.S.C. §102(a) as being unpatentable over U.S. Patent No. 5,671,412 to Christiano (hereinafter "Christiano"). Applicant respectfully submits that claims 83-85 are not anticipated by Christiano.

With respect to claim 83, claim 83 recites:

A computer-readable medium, having computer readable instructions for:

requesting a software license from a license server;
receiving an authenticity challenge from the license server;

computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed; and

receiving, upon authentication by the license server and granting of a software license, the software license from the license server and storing information corresponding to the software license in a memory.

Applicant respectfully submits that Christiano does not disclose computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 83.

In the June 16 Office Action at ¶ 8, p. 27, it was asserted that "A client is identified via a client image or identifier system (column 6, line 10

to column 7, line 30). In particular note column 6, line 64 to column 7, line 1." Christiano at col. 6, line 64 to col. 7, line 1 recites "Thus, under a node-locked policy, a computer system 12 would be able to check out a license only if a license were available on the license server which matched that computer system's node, address, serial number, user name, or other identifier".

However, none of these items mentioned in the cited portion of Christiano is a client image. In Christiano, the "node-locked" policy allows only one computer system at a specific node on the license management system to use a designated software product (see, col. 6, lines 61-64). Thus, the computer system's node is not a client image. A computer system's address is just an address, it is not a client image. A computer system's serial number is just a serial number, it is not a client image. A user name is just that - a user name; it is not a client image. The simple mentioning of "other identifier" does not teach a client image.

There is no discussion or mention in Christiano of a client image. In fact, a search through Christiano reveals that the word "image" is not present in Christiano, nor is "client image". Accordingly, Applicant respectfully submits that the identifiers listed in the cited portion of Christiano do not disclose a client image, nor is a client image disclosed elsewhere in Christiano. As such, Applicant respectfully submits that Christiano cannot disclose the client image as recited in claim 83, much less computing a challenge response that contains a client image that can be

used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 83.

For at least these reasons, Applicant respectfully submits that claim 83 is allowable over Christiano.

Given that claims 84 and 85 depend from claim 83, Applicant respectfully submits that claims 84 and 85 are likewise allowable over Christiano for at least the reasons discussed above with respect to claim 83.

Accordingly, Applicant respectfully requests that the §102 rejections be withdrawn.

35 U.S.C. § 103

Claims 1-6, 10, 13-14, 45, 47-54, 59, 68-69, and 71-75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,745,879 to Wyman (hereinafter "Wyman") in view of Christiano. Applicant respectfully submits that claims 1-6, 10, 13-14, 45, 47-54, 59, 68-69, and 71-75 are not obvious over Wyman in view of Christiano.

With respect to claim 1, claim 1 recites:

A computer-implemented method comprising:
creating a license pack at a license generator, the license pack containing a set of one or more individual software licenses;
signing the license pack with a digital signature of the license generator;
associating an ID of the license pack with a license server, the ID uniquely identifying the license pack;
maintaining the association at the license generator;
issuing the license pack to the license server;
verifying, at the license server, the license generator's digital signature on the license pack; and

distributing the software licenses contained in the license pack from the license server to corresponding clients.

Applicant respectfully submits that Wyman in view of Christiano does not disclose or suggest associating an ID of the license pack with a license server, the ID uniquely identifying the license pack and maintaining the association at the license generator as recited in claim 1.

In the June 16 Office Action at ¶ 8, p. 28, it was asserted that:

Third, under the rejections found in the previous Office Action, citations of Christiano and Wyman are provided illustrating the obviousness of associating a unique name of Christiano with a server as in Wyman. Specifically owners often wish to keep track of their customers.

At ¶ 4, p. 5, it was further asserted that:

Wyman did not explicitly state associating an ID of the license pack with a license server; and maintaining the association at the license generator. Christiano demonstrated that it was known at the time of invention to provide unique identification of a license package (Figure 2b, element 24; column 9, lines 1-4; note Christiano also disclosed license packs). Wyman demonstrated that it was known at the time of invention for owner of licensed software to keep track of their customers and the software they borrow/lease (column 7, lines 14-20). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the licensing system of Wyman with license pack ID and the licensor tracking the license ID as found in Christiano and Wyman's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide an owner of software the ability to enforce use/sales policies (the motivation behind a license in general). A license ID maintained by the owner performs this function.

Applicant respectfully disagrees and submits that there is no disclosure or suggestion in Wyman in view of Christiano of maintaining, at a license generator, an association of an ID of the license pack with a license server, the ID uniquely identifying the license pack, as recited in claim 1.

As indicated above, Wyman at col. 7, lines 14-20 is cited as demonstrating that it was known at the time of invention for owner of licensed software to keep track of their customers and the software they borrow/lease. The cited portion of Wyman reads:

The license management facility cannot create a license itself, but instead must receive a license document (a product use authorization) from an issuer of licenses. As part of the overall license management system of the invention, a license document generator is provided which creates the product use authorizations under authority of the owner of the software, as negotiated with customers.

Applicant respectfully submits that nothing in this cited portion of Wyman, even when combined with Christiano, discloses or suggests associating an ID of the license pack with a license server, the ID uniquely identifying the license pack, and maintaining the association at the license generator. The mere discussion of a license management facility receiving a license document from an issuer of licenses does not include any discussion or mention of the license document generator maintaining an association of an ID of the license pack with a license server, the ID uniquely identifying the license pack, and maintaining the association at the license generator as recited in claim 1.

Applicant respectfully submits that it would not have been obvious in view of Wyman, even when combined with Christiano, to associate an

ID of the license pack with a license server, the ID uniquely identifying the license pack, and maintain the association at the license generator as recited in claim 1. In Wyman, the license server is given the authority to grant licenses on behalf of the issuer (see, col. 9, lines 61-64). Thus, the license server is entrusted by the issuer to grant licenses. The license server maintains a license data file comprising a number of license documents or licenses (see, col. 9, lines 23-26), and grants permission to requesting user nodes to use a program when authorized (see, col. 10, lines 1-19). Thus, the license management is entrusted to, and performed by, the license server in Wyman – there is no reason why the issuer would need to perform any of the license management because it has entrusted the license server to do so.

Furthermore, in the June 16 Office Action at ¶ 8, p. 27, in response to Applicant's previous assertion as cited in the June 16 Office Action that "Christiano fails to disclose package name uniquely identifying the package", it was asserted that "a name provides a unique identification, that is the purpose of a name". Christiano discusses a package license description that includes a package name field (see, col. 8, lines 57-61). The package name field stores the package name, which is the identifier of the package (see, col. 9, lines 1-2). However, the mere use of a package name does not disclose an ID uniquely identifying a license pack. A name is not necessarily unique. For example, multiple copies of the Microsoft® Word word processing application exist, each having the same files with the same file names. As such, these names do not uniquely identify the

different files. There is nothing in Christiano that requires each package license description to have a unique name, nor is there any disclosure in Christiano of why each package license description would need a unique name. Thus, Applicant respectfully submits that Christiano does not disclose an ID uniquely identifying a license pack as recited in claim 1.

For at least these reasons, Applicant respectfully submits that claim 1 is allowable over Wyman in view of Christiano.

Given that claims 2-6 and 10 depend from claim 1, Applicant respectfully submits that claims 2-6 and 10 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 1.

With respect to claim 13, claim 13 recites:

A computer-implemented method for distributing software licenses to clients so that the clients may legally execute underlying software to which the software licenses pertain, the computer-implemented method comprising electronically issuing the software licenses as digital certificates that are distributed in one-to-one correlation with individual clients and traced to an issuing authority, and issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client.

Applicant respectfully submits that Wyman in view of Christiano does not disclose or suggest issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in claim 13.

Applicant respectfully submits that there is no discussion or mention of a client executable image in Wyman or Christiano, much less any

discussion or mention of issuing a software license to a particular client only if a client executable image received from the client matches a stored client executable image for the particular client as recited in claim 13. It appears from the June 16 Office Action at ¶4, p. 8, that Christiano is being relied on as teaching the client executable image of claim 13. However, as discussed above with respect to claim 83, Applicant respectfully submits that Christiano does not disclose or suggest a client image, and thus also does not disclose or suggest a client executable image as recited in claim 13. With respect to Wyman, Wyman is not cited as curing, and does not cure, these deficiencies of Christiano.

For at least these reasons, Applicant respectfully submits that claim 13 is allowable over Wyman in view of Christiano.

Given that claim 14 depends from claim 13, Applicant respectfully submits that claim 14 is likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 13.

With respect to claim 45, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest the license generator is further to assign a license pack ID to the license pack and keep an association of the license pack ID with the license server, the license pack ID uniquely identifying the license pack as recited in claim 45. For at least these reasons, Applicant respectfully submits that claim 45 is allowable over Wyman in view of Christiano.

Given that claims 47-54 depend from claim 45, Applicant respectfully submits that claims 47-54 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 45.

With respect to claim 59, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest a code segment to assign a license pack ID to the license pack, the license pack ID uniquely identifying the license pack, and a code segment to associate the license pack ID with the particular license server as recited in claim 59. For at least these reasons, Applicant respectfully submits that claim 59 is allowable over Wyman in view of Christiano.

With respect to claim 68, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a code segment, responsive to a request for a software license from a client, to determine, based on a client executable image received from the client, whether the client is authentic and can receive a software license as recited in claim 68. For at least these reasons, Applicant respectfully submits that claim 68 is allowable over Wyman in view of Christiano.

With respect to claim 69, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a

challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 69. For at least these reasons, Applicant respectfully submits that claim 69 is allowable over Wyman in view of Christiano.

With respect to claim 71, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano does not disclose or suggest a code segment to compute a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed as recited in claim 71. For at least these reasons, Applicant respectfully submits that claim 71 is allowable over Wyman in view of Christiano.

With respect to claim 72, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest a license pack table to record information pertaining to one or more license packs, the license pack table being indexed by license pack IDs that uniquely identify corresponding individual license packs, each license pack containing one or more software licenses as recited in claim 72. For at least these reasons, Applicant respectfully submits that claim 72 is allowable over Wyman in view of Christiano.

Given that claims 73-75 depend from claim 72, Applicant respectfully submits that claims 73-75 are likewise allowable over Wyman in view of Christiano for at least the reasons discussed above with respect to claim 72.

as recited in claim 21. Corbin is not cited as curing, and does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 21 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 23, 24, 26, 27, and 29 depend from claim 21, Applicant respectfully submits that claims 23, 24, 26, 27, and 29 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 21.

With respect to claim 55, Applicant respectfully submits that, similar to the discussion above regarding claim 1, Wyman in view of Christiano does not disclose or suggest the license producer assigning a license pack ID to the license pack, associating the license pack ID with the license server, and digitally signing the license pack, the license pack ID uniquely identifying the license pack as recited in claim 55. Corbin is not cited as curing, and does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 1. For at least these reasons, Applicant respectfully submits that claim 55 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 56 and 57 depend from claim 55, Applicant respectfully submits that claims 56 and 57 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 55.

With respect to claim 60, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Wyman in view of Christiano

does not disclose or suggest a client authenticating module to determine, based on a client image received from the client, whether the client is authentic and can receive a software license as recited in claim 60. Corbin is not cited as curing, and does not cure, the deficiencies of Wyman in view of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 60 is allowable over Wyman in view of Christiano and Corbin.

Given that claims 61 and 63-65 depend from claim 60, Applicant respectfully submits that claims 61 and 63-65 are likewise allowable over Wyman in view of Christiano and Corbin for at least the reasons discussed above with respect to claim 60.

Claims 79-82 and 86-88 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Christiano in view of U.S. Patent No. 6,049,612 to Fielder et al. (hereinafter "Fielder"). Applicant respectfully submits that claims 79-82 and 86-88 are not obvious over Christiano in view of Fielder.

With respect to claim 79, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Christiano does not disclose or suggest a challenge handler to handle an authenticity challenge from the license server, the challenge handler computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the challenge handler computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value as

recited in claim 79. Fielder is not cited as curing, and does not cure, the deficiencies of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 79 is allowable over Christiano in view of Fielder.

Given that claims 80-82 depend from claim 79, Applicant respectfully submits that claims 80-82 are likewise allowable over Christiano in view of Fielder for at least the reasons discussed above with respect to claim 79.

With respect to claim 86, Applicant respectfully submits that, similar to the discussion above regarding claim 13, Christiano does not disclose or suggest means for handling an authenticity challenge from the license server, the means for handling computing a challenge response that contains a client image that can be used by the license server to evaluate whether the client is authentic and can be licensed, wherein the challenge contains a random number, and the means for handling computes the challenge response by concatenating the random number with the client image to form a concatenated value and hashing the concatenated value as recited in claim 86. Fielder is not cited as curing, and does not cure, the deficiencies of Christiano discussed above with respect to claim 13. For at least these reasons, Applicant respectfully submits that claim 86 is allowable over Christiano in view of Fielder.

Given that claims 87 and 88 depend from claim 86, Applicant respectfully submits that claims 87 and 88 are likewise allowable over

Christiano in view of Fielder for at least the reasons discussed above with respect to claim 86.

Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn.

Conclusion

Claims 1-6, 10, 13-21, 23, 24, 26, 27, 29, 45, 47-57, 59-61, 63-65, 68, 69, 71-75, and 79-88 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 9/16/05

By: [Signature]
Allan T. Sponseller
Reg. No. 38,318
(509) 324-9256